

Applicants respectfully assert that the elected claims are drawn to a reclosable bag for filling with at least one food product and a pre-packaged cheese bag.

Applicant further requests that claims 3, 4, 5, 10 - 13, inclusive, 15, 17, 20, 22, 24 - 28, inclusive, 43, 44, 45, 50 - 53, inclusive, 55, 57, 60, 62, 78, 80, 81, 87 - 92, inclusive, and 94 be held in abeyance for the filing of a divisional application.

All remaining claims, namely 1, 2, 6 - 9, inclusive, 14, 16, 18, 19, 21, 23, 41, 42, 46 - 49, inclusive, 54, 56, 58, 59, 61, 75 - 77, inclusive, 79, 82 - 86, inclusive and 93 are to be made the subject of the present application. These claims have been divided from the total claims identified by the Examiner as Invention II, since they represent a claim set that will subsequently be made the subject of a Petition to Make Special.

The Examiner is thanked for the courtesies extended during the telephone conference of 30 October 2002. During this conference Preliminary Amendment B, in which claims 95 - 106 were added, was discussed with regard to restriction of the claims contained therein. The Examiner noted that the claims of Preliminary Amendment B claim four distinct inventions:

Invention I, (as set forth in the first restriction requirement) Claims 105, 106

Invention II, (as set forth in the first restriction requirement) Claims 100, 101, 102, 104

Invention III, (new) Claims 95 - 99

Invention IV, (new) Claims 103

The applicants have elected to prosecute this application under Invention II. Accordingly, please delete[✓] claims 95 - 99, 103, 105, and 106, without prejudice, as being directed to non-elected inventions. Applicants respectfully traverse the restriction requirement as to the characterization of claims 100, 101, 102, 104 as being drawn to pre-packaged cheese, since they do not require the presence of cheese. Claims 100, 101, 102, and 104 will also be subject to a Petition to Make Special.

Every attempt has been made to comply with the Examiner's request and the rules set forth.

Respectfully Submitted,

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SARGENTO/160.16016-FOR-DIV/021101 AMENDMENT C

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